

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4348 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.THAKKAR

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
  4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge? : NO

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R.R. PARMAR

Versus

STATE OF GUJARAT  
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Appearance:

MR HS MUNSHAW for Petitioner  
M/S PATEL ADVOCATES for Respondent No. 1  
MR HAROOBHAI MEHTA for Respondent No. 2  
Respondent No. 3 served.

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CORAM : MR.JUSTICE C.K.THAKKAR

Date of decision: 04/02/2000

ORAL JUDGEMENT

1. This petition is filed by the petitioner for an  
appropriate writ, direction or order in terms of Para-12

of the petition, which reads as under :

12. The petitioner, therefore, prays :

(A) be pleased to admit this petition;

(B) be pleased to issue a Writ of Mandamus or a writ in the nature of Mandamus or any other appropriate writ, order or direction quashing and setting aside the charge sheet dated 4th June, 1987 issued by Respondent No.1 and annexed herein at Annexure-A.

(C) be pleased to issue a writ of certiorari or a writ in the nature of certiorari or any other appropriate writ, order or direction quashing and setting aside the charge sheet dated 4th June, 1987 issued by Respondent No.1 and annexed hereto at Annexure-A.

(D) be pleased to issue a writ of Mandamus or any other appropriate writ, order or direction directing the respondent No.1 to promote the petitioner to the post of Deputy Collector with effect from 10th November, 1987 and to confer the due seniority and consequential benefits accruing thereon and to expunge the adverse remarks passed Respondent No.3 lately communicated to the petitioner through letter dated 24th February, 1986 by Respondent No.1 at Annexure-B to treat the same as null, void and without any effect except the representation dated 31st March, 1986 annexed herein at Annexure-C filed by the petitioner.

(E) be pleased to issue a writ of certiorari or any other appropriate writ, order or direction in the nature of writ or certiorari directing the Respondent No.1 to promote the petitioner to the post of Deputy Collector with effect from 10th November, 1987 and to confer the due seniority and consequential benefits accruing thereon to expunge the adverse remarks passed by respondent No.3 lately communicated to the petitioner through letter dated 24th February, 1986 by Respondent No.1 at Annexure-B and to treat the same as null, void and without any effect except the representation dated 31st March, 1986 annexed herewith at Annexure-`C' filed by the petitioner;

(F) pending admission, hearing and final disposal of

this petition be pleased to direct the Respondent No.1 to pass the official order/s promoting the petitioner herein to the post of Deputy Collector with retrospective effect from 10th November, 1986 together with all the consequential benefits attached thereto;

(G) be pleased to pass such other and further relief/s as may be deemed just, fit and proper looking to the facts and circumstances of the case and in the interest of justice;

2. From the above para, it is clear that a prayer is made for quashing and setting aside charge sheet dated 4th June, 1987, which is Annexure-F to the petition, which is wrongly shown in the prayer clause as Annexure-A. Interim relief was also prayed, which was not granted by the court though Rule was issued on 14th October, 1988. In view of the facts and circumstances of the case, in my opinion, the petition deserves to be disposed of by granting liberty to the petitioner to take appropriate steps, if, any action is taken in pursuance of the charge sheet dated 4th June, 1987.

3. For the foregoing reasons, the petition deserves to be disposed of and the same is disposed of accordingly. Since I have disposed of the petition at this stage, it should not be understood that I have entered into the merits of the matter and I make it clear that neither I have considered the merits nor expressed any opinion on the correctness or otherwise of the allegations levelled against the petitioner. Rule is accordingly discharged with no order as to costs.

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p.n.nair